

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 5

Introduced by Christensen, 44.

Read first time January 8, 2009

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Game Law; to amend sections 37-513
2 and 37-614, Reissue Revised Statutes of Nebraska; to
3 eliminate a restriction and a penalty on trapping
4 wildlife in county road rights-of-way; to harmonize
5 provisions; to repeal the original sections; and to
6 declare an emergency.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 37-513, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 37-513 ~~(1)~~ It shall be unlawful to shoot at any wildlife
4 from any highway or roadway, which includes that area of land from
5 the center of the traveled surface to the right-of-way on either
6 side. Any person violating this ~~subsection~~ section shall be guilty
7 of a Class III misdemeanor and shall be fined at least fifty
8 dollars.

9 ~~(2)(a)~~ It shall be unlawful to trap any wildlife in
10 the county road right-of-way, except that the commission may
11 allow trapping of raptors within the county road right-of-way in
12 accordance with sections 37-497 to 37-4,103.

13 ~~(b)~~ For purposes of this subsection, county road
14 right-of-way means the area which has been designated a part of the
15 county road system and which has not been vacated pursuant to law.

16 Sec. 2. Section 37-614, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 37-614 (1) When a person pleads guilty to or is convicted
19 of any violation listed in this subsection, the court shall, in
20 addition to any other penalty, revoke and require the immediate
21 surrender of all permits to hunt, fish, and harvest fur held by
22 such person and suspend the privilege of such person to hunt,
23 fish, and harvest fur and to purchase such permits for a period
24 of not less than one nor more than three years. The court shall
25 consider the number and severity of the violations of the Game Law

1 in determining the length of the revocation and suspension. The
2 violations shall be:

3 (a) Carelessly or purposely killing or causing injury to
4 livestock with a firearm or bow and arrow;

5 (b) Purposely taking or having in his or her possession
6 a number of game animals, game fish, game birds, or fur-bearing
7 animals exceeding twice the limit established pursuant to section
8 37-314;

9 (c) Taking any species of wildlife protected by the Game
10 Law during a closed season in violation of section 37-502;

11 (d) Resisting or obstructing any officer or any employee
12 of the commission in the discharge of his or her lawful duties in
13 violation of section 37-609; and

14 (e) Being a habitual offender of the Game Law.

15 (2) When a person pleads guilty to or is convicted of any
16 violation listed in this subsection, the court may, in addition to
17 any other penalty, revoke and require the immediate surrender of
18 all permits to hunt, fish, and harvest fur held by such person and
19 suspend the privilege of such person to hunt, fish, and harvest
20 fur and to purchase such permits for a period of not less than
21 one nor more than three years. The court shall consider the number
22 and severity of the violations of the Game Law in determining the
23 length of the revocation and suspension. The violations shall be:

24 (a) Hunting, fishing, or fur harvesting without a permit
25 in violation of section 37-411;

1 (b) Hunting from a vehicle, aircraft, or boat in
2 violation of section 37-513, 37-514, 37-515, 37-535, or 37-538;
3 and

4 ~~(c) Trapping wildlife in the county right-of-way in~~
5 ~~violation of section 37-513, and~~

6 ~~(d) (c) Knowingly taking any wildlife on private land~~
7 without permission in violation of section 37-722.

8 (3) When a person pleads guilty to or is convicted of
9 any violation of the Game Law or the rules and regulations of the
10 commission not listed in subsection (1) or (2) of this section, the
11 court may, in addition to any other penalty, revoke and require
12 the immediate surrender of all permits to hunt, fish, and harvest
13 fur held by such person and suspend the privilege of such person
14 to hunt, fish, and harvest fur and to purchase such permits for a
15 period of one year.

16 Sec. 3. Original sections 37-513 and 37-614, Reissue
17 Revised Statutes of Nebraska, are repealed.

18 Sec. 4. Since an emergency exists, this act takes effect
19 when passed and approved according to law.